

Message Text

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PAGE 01 TEGUCI 00805 281444Z

44

ACTION L-02

INFO OCT-01 ARA-10 ISO-00 AID-05 CIAE-00 COME-00 EB-07

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CIEP-02 LAB-04 SIL-01 OMB-01 /053 W

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R 272205Z FEB 75

FM AMEMBASSY TEGUCIGALPA

TO SECSTATE WASHDC 9390

UNCLAS TEGUCIGALPA 0805

E.O. 11652: N/A

TAGS: EINV, HO

SUBJ: CALVO CLAUSE AND RELATED PROVISIONS

REF: STATE 024007

1. ACCORDING TO HONDURAN PROFESSOR OF INTERNATIONAL LAW, THE CALVO DOCTRINE IS NOT EXPLICITLY CONTAINED IN THE HONDURAN CONSTITUTION. HOWEVER, THERE ARE PROVISIONS WHICH RESTRICT FOREIGN INVESTOR'S ACCESS TO HOME GOVERNMENT ASSISTANCE IN THE CASE OF INVESTMENT DISPUTES. ACCORDING TO ARTICLE 26 OF THE HONDURAN CONSTITUTION, THE FOREIGN INVESTOR IS OBLIGED TO PURSUE LEGAL SOLUTION THROUGH THE HONDURAN JUDICIAL SYSTEM AND IN ONLY PERMITTED TO REQUEST HOME GOVERNMENT ASSISTANCE WHEN DUE PROCESS UNDER THE HONDURAN LEGAL SYSTEM IS DENIED TO HIM.

2. ARTICLE 1,348 OF THE HONDURAN CIVIL CODE PERMITS THIRD PARTY ARBITRATION OR SETTLEMENT OF DISPUTES WHEN IT IS REQUESTED BY THE PARTIES INVOLVED.
SANCHEZ

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Message Attributes

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